

UNITED STATES OF AMERICA)
)
 v.) CASE NO. 3:17-CR-223-WKW
)
 TIMOTHY LAMAR SPINKS and)
 ERIC KENDALL SMITH)

Before the court are (1) the motions to suppress filed by Timothy Lamar Spinks (Doc. # 447; *see also* Doc. # 448) and Eric Kendall Smith (Doc. # 418); (2) the Government's responses (Docs. # 442, 452); and (3) the Magistrate Judge's amended report and recommendation (Doc. # 522). The Magistrate Judge held two hearings on the motions to suppress (Docs. # 344, # 529) and recommends that the motions be denied. As set out in the amended recommendation, the Magistrate Judge finds that Spinks and Smith lack standing to contest the search and seizure of the incriminating evidence. Additionally, the Magistrate Judge finds, in the alternative, that, even if Spinks and Smith have standing to challenge the search, there are multiple reasons why the evidence seized from the searched premises does not offend the Fourth Amendment to the United States Constitution. Neither Spinks nor Smith filed objections to the Magistrate Judge's recommendation. They are not entitled, therefore, to *de novo* review. *See* 28 U.S.C. § 636.

Based upon an independent review of the record and also for the reasons set out in a separate order denying Worldly Dieago Holstick's motion to suppress (Doc. # 702), it is ORDERED as follows:

(1) The amended report and recommendation (Doc. # 522), is ADOPTED;
and

(2) The motions to suppress filed by Timothy Lamar Spinks (Doc. # 447) and Eric Kendall Smith (Doc. # 418) are DENIED.

DONE this 4th day of June, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE